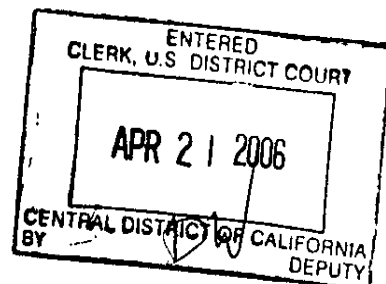
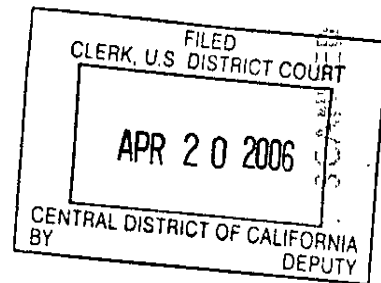


COPY

*Send,
enter
closed*



A. Barry Cappello, CSB No. 037835
Leila J. Noel, CSB No. 114307
Troy A. Thielemann, CSB No. 174276
CAPPELLO & NOEL LLP
831 State Street
Santa Barbara, California 93101
Telephone: (805) 564-2444
Facsimile: (805) 965-5950
E-mail: lnoe1@cappellonoel.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LOGGED

2006 APR 19 AM 11:29

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

BY

LAWRENCE O'CONNOR, et al.,

Plaintiffs,

v.

BOEING NORTH AMERICAN,
INC., et al.,

Defendants.

Case No. CV 97-1554 DT (RCx)

**[PROPOSED] ORDER ON
RECOVERY AND
DISTRIBUTION OF
SETTLEMENT PROCEEDS FOR
THE LEIGHT FAMILY**

Applicant: Fred Leight

Minors: Jason Leight
Jennifer Leight

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

1556

On April 10, 2006, at 10:00 a.m., in Courtroom 880, Fred Leight as Guardian ad Litem for Jeffrey Leight, Jason Leight and Jennifer Leight, brought this Motion for the special purpose of determining individual distributions of the global settlement awarded the Leight family, Plaintiffs in the above noted action, and further for determination of the allocation of attorney fees and costs. Bruce J. Altshuler of Altshuler & Spiro specially appeared before the undersigned on behalf of Dr. Fred Leight, Jeffrey Leight and Dr. Leight as guardian ad litem for Jason Leight and Jennifer Leight. Leila Noël appeared for Cappello & Noël, representing said firm.

Having considered the Motions, supporting Declarations, Points and Authorities and exhibits and the Court having issued its ruling on the Motion,

IT IS ORDERED AS FOLLOWS:

1. The special appearance by Ann Carey and Bruce J. Altshuler of Altshuler & Spiro for Plaintiffs Fred Leight, Jeffrey Leight, Jason Leight and Jennifer Leight on the issue of distribution and method of calculating fees to all heirs is GRANTED, limited solely to the issues raised by the Motion and implementation of this Order.

2. The Court approves the distribution of the Leight family wrongful death award requested by the Leight family. Specifically, of the \$869,753.59 allocation to the Leight family, Dr. Fred Leight's share is \$344,753.59 gross; Jeffrey Leight's share is \$175,000.00 gross; Jason Leight's share is \$175,000.00 gross and Jennifer Leight's share is \$175,000.00 gross.

3. The attorney fees charged to Jeffrey Leight, Jason Leight and Jennifer Leight will be 25% of the "Net Recovery." The fee charged to Fred Leight will be 33.567% of the gross recovery less costs.

4. The costs of \$229,904.38 claimed by Cappello & Noël is approved for this case and is to be allocated in proportion to the gross recovery of each of the plaintiffs as follows:

<u>Plaintiff</u>	<u>Gross Recovery</u>	<u>Share of Allocated Costs</u>	<u>Net Recovery</u>
Fred Leight	\$344,753.59	\$91,129.87	\$253,623.72
Jeffrey Leight	\$175,000	\$46,258.17	\$128,741.83
Jason Leight	\$175,000	\$46,258.17	\$128,741.83
Jennifer Leight	\$175,000	\$46,258.17	\$128,741.83

5. Based on the foregoing, the legal fees, cost allocation and net recoveries for the wrongful death of Maria (Aurora) Leight shall be as follows:

Plaintiff	Gross Recovery	Legal Fee	Share of Costs to Cappello & Noël	Net Amount Due
Fred Leight	\$344,753.59	\$115,722.28*	\$91,129.87	\$137,901.44
Jeffrey Leight	\$175,000.00	\$32,185.46**	\$46,258.17	\$96,556.37
Jason Leight	\$175,000.00	\$32,185.46**	\$46,258.17	\$96,556.37
Jennifer Leight	\$175,000.00	\$32,185.46**	\$46,258.17	\$96,556.37
TOTALS	\$869,753.59	\$212,278.66	\$229,904.38	\$427,570.55

*Based on 33.567% of \$344,753.59 gross.

**Based on 25% of \$128,741.83 net.

6. Cappello & Noël is ordered to pay the sum of \$137,901.44 payable solely to Fred Leight. The sum of \$96,556.37 shall be payable solely to Jeffrey Leight, who is no longer a minor. All checks are to be transmitted c/o Altshuler & Spiro.

1 7. The sum of \$96,556.37 shall be payable to Fred Leight as Trustee for
2 Jason Leight. The net sum of \$96,556.37 shall be payable to Fred Leight as Trustee
3 for Jennifer Leight. Each of these two checks must bear an endorsement on the face
4 or reverse that it is for deposit in one or more interest-bearing federally insured
5 accounts in the name of Fred Leight as Trustee for said minor child. The funds of
6 Jason Leight and Jennifer Leight shall be kept in separate accounts. The accounts
7 shall bear the respective social security number of the minor child.

8 8. No withdrawals may be made from the established accounts without
9 a Court order or until the 18th birthday of Jason Leight as to his funds or the 18th
10 birthday of Jennifer Leight as to her funds. When the respective minor attains the
11 age of 18 years, the depository is directed to pay by check or draft to the Claimant
12 all monies and accrued interest under this Order upon proper demand. The money
13 on deposit shall not be subject to escheat.

14 9. No bond is required to carry out this Order. Altshuler & Spiro will
15 cause a Receipt to be filed with the Court by the minors' depository within 30 days
16 after the minors' funds are delivered to said firm.

17
18 Dated: 4-19-06

DICKRAN TEVRIZIAN

The Honorable Dickran Tevrizian
United States District Judge

Lawrence O'Connor, et al. v. Boeing North American, Inc., et al.
U.S.D.C. Case No. CV 97-1554 DT (RCx)

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 831 State Street, Santa Barbara, California 93101.

On April 19, 2006, I served the foregoing document described as **[PROPOSED] ORDER ON RECOVERY AND DISTRIBUTION OF SETTLEMENT PROCEEDS FOR THE LEIGHT FAMILY** on the interested parties in this action

☒ by placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

Bruce J. Altshuler, Esq.
ALTSHULER AND SPIRO
9301 Wilshire Blvd., Suite 504
Beverly Hills, CA 90210

☒ by California Overnight. I am readily familiar with the firm's practice of collection and processing correspondence on the same day with this courier service, for overnight delivery. The delivery fees are provided for in accordance with this firm's ordinary business practices.

☒ (**FEDERAL**) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed at Santa Barbara, California, on April 19, 2006.

Iane Ortiz
TYPE OR PRINT NAME


SIGNATURE